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FISCAL IMPACT STATEMENT

LS 6156

BILL NUMBER: HB 1947

NOTE PREPARED: Nov 13, 2002

BILL AMENDED:

SUBJECT: Review of school expulsions.

FIRST AUTHOR: Rep. Thompson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a juvenile court may not order a school to readmit an expelled student unless the court finds that the expulsion was not justified.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Neither juvenile courts nor school corporations would experience an increase in administrative expenses due to the provisions of the bill. The specific effect on litigation will vary by county and will depend upon the number of expelled students brought before juvenile courts. The total number of juvenile delinquent cases filed in CY 2001 was 25,547.

Under current Indiana law, juvenile courts are able to issue an order requiring a school corporation to readmit a student expelled under the school corporation's discipline policy. Under the bill, a juvenile court would be required to find that an expulsion was not justified by the student's conduct before ordering the student readmitted. (The judge would make such a determination via the examination of all existing evidence brought forth by each party in the case.)

Juvenile courts are involved in expulsions only when the expelled student is a victim of abuse and/or neglect, is in need of services, or has been charged with a misdemeanor or felony.

Expulsion and Suspension Data- For the 2001-2002 school year, Indiana's average daily membership (ADM) consisted of 959,611 students, and public school enrollment totaled 995,507. Approximately 1,900 public schools were in operation within Indiana's 293 school corporations during that time.

The following table illustrates the number of suspensions and expulsions from school years 1997 through 2001. (Data for 2002 are not yet complete).

Suspensions and Expulsions for School Years 1997-2001		
YEAR	SUSPENSIONS	EXPULSIONS
2001	289,041	6,781
2000	293,934	7,313
1999	305,767	9,263
1998	302,593	10,229
1997	306,034	9,340

Background- The following steps represent the expulsion process of a student who is expelled by a school corporation under current Indiana law:

1) The student is suspended by the principal for not more than 10 days; 2) the principal affords the student "due process" by providing a written or oral statement outlining the charges and summary of evidence against the student and allowing the student to explain their conduct; 3) the principal notifies the student's parent; 4) the superintendent conducts an expulsion meeting via an expulsion examiner; 5) the student is expelled by the expulsion examiner; and 6) the superintendent adopts the decision to expel the student.

After adoption of the decision to expel the student, the student's parent is allowed to appeal the decision to the school corporation, and then to the local court. (Under normal expulsion circumstances, such as student misconduct or disobedience, juvenile courts are not typically involved.)

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: School corporations, juvenile courts.

Information Sources: Dana Long, Department of Education, (317) 232-6675; DOE ORACLE Data Tables; Division of State Court Administration, *2001 Indiana Judicial Service Report*.

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